

No.

CR12 00888 DLJ PSG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-filing
Filed
DEC 26 2012

THE UNITED STATES OF AMERICA

VS.

JOHN GERINGER, CHRISTOPHER LUCK and
KEITH RODE

INDICTMENT

COUNT ONE: 18 U.S.C. § 1349-Conspiracy to Commit Mail and Wire Fraud

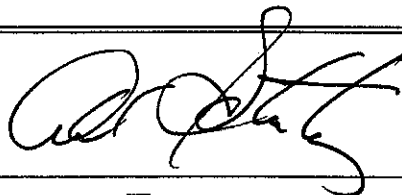
COUNTS TWO through THIRTEEN: 18 U.S.C. § 1341-Mail Fraud

COUNTS FOURTEEN through TWENTY SIX: 18 U.S.C. § 1343-Wire Fraud

COUNT TWENTY SEVEN: 15 U.S.C. §§ 78j(b) and 78ff; 17 C.F.R. §§ 240.10b-5 and 240.10b5-2;
18 U.S.C. § 2-Securities Fraud

COUNTS TWENTY through THIRTY EIGHT: 18 U.S.C. § 1957(a)-Engaging in Monetary Transaction in
Property Derived from Specified Unlawful Activity

A true bill.



Foreperson

Filed in open court this 19TH day of DECEMBER A.D. 2012

UNITED STATES MAGISTRATE JUDGE

Bail. \$

Summons for each defendant

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

Filed
DEC 20 2012
E-filing
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

14 v.

15 JOHN GERINGER,
16 CHRISTOPHER LUCK, and
17 KEITH RODE,

18 Defendants.

CR12 00888
No.

VIOLATIONS:

18 U.S.C. § 1349 (Conspiracy);
18 U.S.C. § 1341 (Mail Fraud);
18 U.S.C. § 1343 (Wire Fraud);
15 U.S.C. §§ 78j(b) and 78ff,
17 C.F.R. §§ 240.10b-5 and 240.10b5-2,
18 U.S.C. § 2 (Securities Fraud);
18 U.S.C. § 1957(a) (Money Laundering);
18 U.S.C. § 981(a)(1)(C),
28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1)
(Forfeiture)

SAN JOSE VENUE

21 **INDICTMENT**

22 The Grand Jury charges that, at all relevant times:

23 **Relevant Entities and Individuals**

24 1. Geringer, Luck & Rode, LLC ("GLR LLC") was a California investment
25 corporation located in Scotts Valley, California. GLR LLC, established in 2003, purported to
26 engage in the business of investment, insurance, and tax-consultation services.

27 2. JOHN GERINGER ("GERINGER") was a resident of Scotts Valley, and worked

28 **INDICTMENT**

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1 as a licensed securities trader and investment advisor. GERINGER served as the managing
2 partner at GLR LLC.

3 3. CHRISTOPHER LUCK ("LUCK") was a resident of Scotts Valley, California,
4 and was a partner at GLR LLC. Luck also served as Chairman of the Board of two private
5 companies: Digital Delivery Networks, Inc. and MediaTile.

6 4. KEITH RODE ("RODE") was a resident of Scotts Valley, California, and
7 Franklin, Wisconsin. RODE worked as a Certified Public Accountant, and was a partner at GLR
8 LLC.

9 5. GLR Capital Management, LLC ("GLR CAPITAL") was a California limited
10 liability company, based in Scotts Valley. GERINGER was the managing member of GLR
11 CAPITAL.

12 6. GLR Growth Fund, LP ("FUND") was a California limited partnership formed in
13 2003 and based in Scotts Valley. The FUND's limited partnership agreement provided that GLR
14 CAPITAL, the FUND's general partner, had control over the FUND's affairs, and the limited
15 partners – the FUND's investors – had no role in the business of the FUND. GLR CAPITAL
16 made investments on behalf of private investors through the FUND.

17 7. GLR Advisors was a California company, based in Scotts Valley. GERINGER
18 established GLR Advisors, and was its managing member.

19 8. Digital Delivery Networks, Inc. ("DDNI") and MediaTile were two private
20 companies located in Scotts Valley, California. The FUND was the primary investor in both
21 companies.

22 9. Electronic wire transfers from Fremont Bank, Santa Cruz County Bank, Bank of
23 New York, Wells Fargo Bank, Bank of America, IAG Federal Credit Union, Santa Cruz
24 Community Credit Union, and U.S. Bank all utilized a domestic electronic funds transfer system
25 known as the Fedwire system, which is owned and operated by the United States Federal Reserve
26 System. All Fedwire wires were electronically routed through Fedwire offices in East
27 Rutherford, New Jersey.

28 **INDICTMENT**

1 The Business of GLR CAPITAL and the FUND

2 10. GLR CAPITAL managed the FUND. Between 2009 and 2011, marketing
3 materials created by GERINGER and distributed to investors represented that the FUND was
4 able to achieve consistent annual returns of between 17 and 25 percent between the years 2001
5 through 2011. In these marketing materials, the FUND represented to investors that 75% of its
6 investments were made in publicly traded securities, options, and commodities.

7 11. FUND marketing materials informed investors that it received investments for
8 one-year periods, at the end of which the investor could either request to withdraw from the
9 FUND or rollover the investment for another one-year period. The FUND informed investors
10 that they would be charged a 4% management fee.

11 12. Between 2003 and 2012, FUND marketing materials represented the following
12 asset allocations: 20% in S&P 100; 20% in S&P 500 Index; 20% in NASDAQ; 15% in Dow
13 Jones 30; and 25% in "Direct Company Investments" that was defined as "Natural Gas, Oil
14 Public and Private Companies, Software, Semiconductor Telecommunications Related."

15 13. Between 2003 and 2012, FUND marketing materials represented the following
16 positive performance history: 2001 (+25.28%); 2002 (+25.12%); 2003 (+20.36%); 2004
17 (+20.08%); 2005 (+20.19%); 2006 (+22.31%); 2007 (+23.56%); and 2008 (+23.53%).

18 The Scheme to Defraud

19 14. From approximately 2009 through 2012, GERINGER, LUCK, and RODE
20 engaged in a scheme, plan and artifice to defraud investors, and to obtain money and property by
21 means of materially false and fraudulent pretenses, representations, and promises, although
22 GERINGER's participation in this scheme began in or about 2006, through two principal
23 methods: (A) making materially false statements; and (B) failing to disclose material facts.
24 Investors entrusted GERINGER, LUCK, and RODE with tens of millions of dollars, but
25 GERINGER, LUCK, and RODE failed to invest nearly all of those funds in the manner
26 promised, and converted millions of dollars of the investors' money to their personal benefit.

27 15. GERINGER, beginning in 2006, and LUCK and RODE, beginning in 2009,

28 **INDICTMENT**

1 made false and misleading statements to investors using, among other things, false marketing
2 materials, false financial statements, false brokerage account statements, and misleading written
3 and verbal communications with investors. GERINGER, LUCK, and RODE created the false
4 and misleading appearance that the investors' funds were primarily invested in publicly traded
5 securities, which offered diverse and secure investments with high returns.

6 16. In truth, as GERINGER knew in 2006, and LUCK and RODE knew beginning in
7 about 2009, most of the investment monies were not invested in publicly traded securities, but
8 rather in two private startup companies – MediaTile and DDNI. Despite knowing this,
9 GERINGER, LUCK, and RODE continued to represent to investors that the FUND invested in
10 publicly traded securities.

11 17. In order to continue to divert funds to private startup companies, in 2009,
12 GERINGER, LUCK, and RODE began to pay existing investors with new investors' funds rather
13 than with income generated by equity trading.

14 18. It was a part of the scheme to defraud that, among other conduct, GERINGER,
15 beginning in 2006, and LUCK and RODE beginning in 2009:

16 (A) represented to investors in marketing materials that the FUND achieved
17 steady annual returns of between 17 and 25 percent from 2001 to 2011, when in truth,
18 GERINGER, LUCK, and RODE knew that such information was materially overstated;

19 (B) represented to investors in marketing materials that their money would be
20 invested in well-known stock indices such as the S&P 500, NASDAQ, and Dow Jones, when in
21 truth, GERINGER, LUCK, and RODE improperly diverted investor funds to two private
22 companies – MediaTile and DDNI – or to pay back other investors;

23 (C) represented to investors in marketing materials that the FUND had positive
24 annual returns in 2001 and 2002, when in truth, GERINGER, LUCK, and RODE knew the
25 FUND was not established until 2003;

26 (D) deceived investors by creating fraudulent and misleading periodic investor
27 account statements purporting to show that the FUND continued to trade securities, when in
28

INDICTMENT

1 truth, GERINGER, LUCK, and RODE knew that by mid-2009 the FUND was no longer trading
2 securities at all;

3 (E) deceived investors by creating the fraudulent and misleading impression that
4 their investments had been rolled-over as requested for a new one-year period, when in truth,
5 GERINGER, LUCK, and RODE spent the investors' money to fund private startup companies or
6 to pay back other investors;

7 (F) deceived investors by falsifying brokerage account statements to make it
8 appear to investors that the FUND's brokerage trading account was successful, when in truth
9 GERINGER, LUCK, and RODE knew the FUND's trading produced negative returns in every
10 year from 2005 to 2009;

11 (G) deceived investors by continuing to send to them, by mail, periodic account
12 statements, which lulled investors into a false sense of security by creating the appearance that
13 the FUND was investing as promised in a diverse array of equities, when in truth, as
14 GERINGER, LUCK, and RODE knew, most of the investment monies were directed towards
15 two private startup companies or to pay back other investors;

16 (H) misrepresented to FUND investors material information about the financial
17 performance of the FUND's brokerage accounts;

18 (I) misrepresented to FUND investors in written materials that the FUND was
19 "Member NASD and SEC Approved," when in truth, as GERINGER, LUCK, and RODE knew,
20 the FUND was neither; and

21 (J) misrepresented to FUND investors that the FUND was independently audited,
22 when in truth, as GERINGER, LUCK, and RODE knew, the FUND was never independently
23 audited;

24 19. By 2012, as part of their fraudulent scheme, GERINGER, LUCK, and RODE had
25 solicited over \$60,000,000 from nearly ninety investors.

26 COUNT ONE: 18 U.S.C. § 1349 (Conspiracy to Commit Mail and Wire Fraud)

27 20. Paragraphs 1 through 19 are realleged and incorporated as if fully set forth herein.

28 **INDICTMENT**

1 21. From in or about 2009 through in or about 2012, in the Northern District of
2 California and elsewhere, the defendants,

3 JOHN GERINGER,
4 CHRISTOPHER LUCK, and
5 KEITH RODE,

6 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire and
7 agree together and with each other to commit offenses against the United States, to wit, (a) mail
8 fraud, in violation of Title 18, United States Code, Section 1341, and (b) wire fraud, in violation
9 of Title 18, United States Code, Section 1343 by devising a scheme and artifice to obtain money
10 by means of false and fraudulent representations, specifically by soliciting investments under the
11 false and fraudulent pretense that the solicited funds would be invested in diversified equity
12 trading.

13 The Means and Methods of the Conspiracy

14 22. Among the means and methods by which GERINGER, LUCK, and RODE carried
15 out the conspiracy to defraud investors were the following:

16 (A) mailing and otherwise delivering to investors the marketing materials, and
17 other documents that contained materially false information;

18 (B) transmitting, and causing to be transmitted, wire transfers diverting investor
19 funds for unauthorized expenditures, such as investments in MediaTile and DDNI and personal
20 use;

21 (C) mailing to investors deceptive and misleading account statements, which
22 created the appearance that their investments were performing and their principal was safe;

23 (D) paying interest and/or principal withdrawals to investors that were funded in
24 material part by new investor money;

25 (E) providing false tax and financial information to investors in order to lull
26 investors into a false sense of security regarding the safety of their investments;

27 (F) making, at meetings with new potential investors, materially false and
28 misleading statements and omitting to disclose material information; and

INDICTMENT

(G) paying themselves millions of dollars through various forms of compensation.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH THIRTEEN: 18 U.S.C. § 1341 (Mail Fraud)

23. Paragraphs 1 through 19 and 22 are realleged as if fully set forth herein.

24. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendants,

JOHN GERINGER,
CHRISTOPHER LUCK, and
KEITH RODE,

for the purpose of executing the above-described scheme to defraud and attempting to do so, by means of false and fraudulent material representations, sent and caused to be sent through the United States Postal Service, the items indicated below, in violation of Title 18, United States Code, Section 1341:

COUNT	DATE	ITEM MAILED
2	4/27/2011	Investor <i>L.B.</i> 's GLR Interest Statement
3	7/27/2011	Investor <i>L.B.</i> 's GLR Interest Statement
4	10/27/2011	Investor <i>L.B.</i> 's GLR Interest Statement
5	4/22/2012	Investor <i>L.B.</i> 's GLR Interest Statement
6	7/27/2009	Investor <i>S.G.</i> 's GLR Interest Statement
7	4/27/2010	Investor <i>S.G.</i> 's GLR Interest Statement
8	5/25/2010	Investor <i>S.G.</i> 's GLR Interest Statement
9	7/27/2010	Investor <i>S.G.</i> 's GLR Interest Statement
10	7/27/2010	Investor <i>J.S.-J.</i> 's GLR Interest Statement
11	4/27/2011	Investor <i>J.S.-J.</i> 's GLR Interest Statement
12	7/27/2011	Investor <i>J.S.-J.</i> 's GLR Interest Statement
13	10/27/2011	Investor <i>J.S.-J.</i> 's GLR Interest Statement

All in violation of Title 18, United States Code, Section 1341.

COUNTS FOURTEEN THROUGH TWENTY-SIX: 18 U.S.C. § 1343 (Wire Fraud)

25. Paragraphs 1 through 19 and 22 are realleged as if fully set forth herein.

INDICTMENT

26. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendants,

JOHN GERINGER,
CHRISTOPHER LUCK, and
KEITH RODE,

for the purpose of executing said scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, signals, and pictures, that is, electronic funds transfers and payments from investor bank accounts to the FUND, as further set forth below, in violation of Title 18, United States Code, Section 1343:

COUNT	DATE	ITEM WIRED	WIRED FROM	WIRED TO
14	3/23/2011	\$342,176.29	Investor <i>L.B.</i> 's Fremont Bank bank account in San Carlos, California	Santa Cruz County Bank in Scotts Valley, California
15	7/23/2009	\$250,000	Investor <i>P.B.</i> 's Bank of New York bank account in Denver, Colorado	Santa Cruz County Bank in Scotts Valley, California
16	5/20/2011	\$99,933.14	Investor <i>R.D.</i> 's Fremont Bank bank account in San Carlos, California	Santa Cruz County Bank in Scotts Valley, California
17	5/22/2009	\$330,000	Investor <i>S.G.</i> 's Bank of New York bank account in Denver, Colorado	Santa Cruz County Bank in Scotts Valley, California
18	5/22/2009	\$300,000	Investor <i>J.L.</i> 's Bank of New York bank account in Denver, Colorado	Santa Cruz County Bank in Scotts Valley, California
19	2/26/2009	\$167,000	Investor <i>C.L.</i> 's Bank of New York bank account in Denver,	Santa Cruz County Bank

INDICTMENT

			Colorado	in Scotts Valley, California
20	12/5/2011	\$148,690	Investor <i>C.P.</i> 's Fremont Bank bank account in San Carlos, California	Santa Cruz County Bank in Scotts Valley, California
21	4/27/2011	\$30,000	Investor <i>A.P.</i> 's IAG Federal Credit Union bank account in Rye, New York	Santa Cruz County Bank in Scotts Valley, California
22	4/27/2011	\$73,000	Investor <i>L.P.</i> 's Santa Cruz Community Credit Union bank account in Santa Cruz, California	Santa Cruz County Bank in Scotts Valley, California
23	6/8/2010	\$222,483.95	Investor <i>K. S-J</i> 's Fremont Bank bank account in San Carlos, California	Santa Cruz County Bank in Scotts Valley, California
24	6/9/2011	\$818,296.87	Investor <i>J.S.</i> 's Fremont Bank bank account in San Carlos, California	Santa Cruz County Bank in Scotts Valley, California
25	1/26/2012	\$249,480	Investor <i>M.W.</i> 's Fremont Bank bank account in San Carlos, California	Santa Cruz County Bank in Scotts Valley, California
26	7/13/2010	\$94,871.90	Investor <i>G.W.</i> 's U.S. Bank bank account in St. Louis, Missouri	Santa Cruz County Bank in Scotts Valley, California

All in violation of Title 18, United States Code, Section 1343.

COUNT TWENTY-SEVEN: 15 U.S.C. §§ 78j(b) and 78ff;
17 C.F.R. §§ 240.10b-5 and 240.10b5-2; 18 U.S.C. § 2 (Securities Fraud)

27. Paragraphs 1 through 19 and 22 are realleged as if fully set forth herein.

INDICTMENT

1 28. On or about 2009 through 2012, in the Northern District of California and
2 elsewhere, the defendants,

3 JOHN GERINGER,
4 CHRISTOPHER LUCK, and
5 KEITH RODE,

6 willfully and knowingly, directly and indirectly, by use of the means and instrumentalities of
7 interstate commerce, the mails, and the facilities of national securities exchanges, in connection
8 with the purchase and sale of securities, did use and employ manipulative and deceptive devices
9 and contrivances, and aided and abetted others in using and employing manipulative and
10 deceptive devices and contrivances, in violation of Title 15, United States Code, Sections 78j(b)
11 and 78ff, and Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2, and
12 Title 18, United States Code, Section 2, by (a) employing devices, schemes, and artifices to
13 defraud; (b) making untrue statements of material facts and failing to state material facts
14 necessary in order to make the statements made, in the light of the circumstances under which
15 they were made, not misleading; and (c) engaging in acts, practices, and courses of business
16 which operated and would operate as a fraud and deceit upon persons, specifically, by telling
17 investors or allowing investors to believe that their investment into the FUND would be used to
18 purchase equities traded on the New York Stock Exchange or NASDAQ when, in fact, the
19 defendants knew no such investments would be made.

20 All in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code
21 of Federal Regulations, Sections 240.10b-5 and 240.10b5-2; and Title 18, United States Code,
22 Section 2.

23 COUNTS TWENTY-EIGHT THROUGH THIRTY-ONE: (18 U.S.C. § 1957(a) - Engaging in
24 Monetary Transactions in Property Derived from Specified Unlawful Activity)

25 29. Paragraphs 1 through 19 and 22 are realleged and incorporated as if fully set forth
26 here.

27 30. On or about the dates listed below, in the Northern District of California, and
28 elsewhere, the defendant,

INDICTMENT

1 JOHN GERINGER,

2 did knowingly engage in a monetary transaction by, through, and to a financial institution,
3 affecting interstate commerce, in criminally derived property of a value greater than \$10,000,
4 said property having in fact been derived from specified unlawful activity, namely, mail fraud,
5 wire fraud, and securities fraud:

6

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Transaction</u>
28	6/18/2009	\$12,500	Electronic Funds Transfer to John GERINGER (d/b/a GLR Advisors)
29	7/27/2009	\$12,500	Electronic Funds Transfer to John GERINGER (d/b/a GLR Advisors)
30	9/8/2009	\$12,500	Electronic Funds Transfer to John GERINGER (d/b/a GLR Advisors)
31	10/30/2009	\$12,500	Electronic Funds Transfer to John GERINGER (d/b/a GLR Advisors)

15

16 All in violation of Title 18, United States Code, Section 1957.

17 COUNTS THIRTY-TWO THROUGH THIRTY-FIVE: (18 U.S.C. § 1957(a) - Engaging in
18 Monetary Transactions in Property Derived from Specified Unlawful Activity)

19 29. Paragraphs 1 through 19 and 22 are realleged and incorporated as if fully set forth
20 here.

21 30. On or about the dates listed below, in the Northern District of California, and
22 elsewhere, the defendant,

23 CHRISTOPHER LUCK,

24 did knowingly engage in a monetary transaction by, through, and to a financial institution,
25 affecting interstate commerce, in criminally derived property of a value greater than \$10,000,
26 said property having in fact been derived from specified unlawful activity, namely, mail fraud,
27 wire fraud, and securities fraud:

28 **INDICTMENT**

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Transaction</u>
32	6/18/2009	\$15,000	Electronic Funds Transfer to Christopher LUCK
33	7/27/2009	\$15,000	Electronic Funds Transfer to Christopher LUCK
34	9/8/2009	\$15,000	Electronic Funds Transfer to Christopher LUCK
35	10/29/2009	\$15,000	Electronic Funds Transfer to Christopher LUCK

All in violation of Title 18, United States Code, Section 1957.

COUNTS THIRTY-SIX THROUGH THIRTY-EIGHT: (18 U.S.C. § 1957(a) - Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity)

29. Paragraphs 1 through 19 and 22 are realleged and incorporated as if fully set forth here.

30. On or about the dates listed below, in the Northern District of California, and elsewhere, the defendant,

KEITH RODE,

did knowingly engage in a monetary transaction by, through, and to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, said property having in fact been derived from specified unlawful activity, namely, mail fraud, wire fraud, and securities fraud:

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Transaction</u>
36	12/17/2010	\$16,000	Electronic Funds Transfer to Keith RODE
37	2/2/2011	\$16,000	Electronic Funds Transfer to Keith RODE
38	3/7/2011	\$16,000	Electronic Funds Transfer to Keith RODE

INDICTMENT

1 All in violation of Title 18, United States Code, Section 1957.

2 FORFEITURE ALLEGATION: 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c) (Forfeiture)

3 31. Paragraphs 1 through 19 and 22 are realleged as if fully set forth herein.

4 32. Upon a conviction of any of the offenses alleged in Counts One through Twenty-
5 Seven, the defendants,

6 JOHN GERINGER,
7 CHRISTOPHER LUCK, and
8 KEITH RODE,

9 shall forfeit to the United States all property, constituting and derived from proceeds traceable to
10 violations of Title 18, United States Code, Section 1341 (Mail Fraud), Title 18, United States
11 Code, Section 1343 (Wire Fraud), Title 15, United States Code, Sections 78j(b) and 78ff; and
12 Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2 (Securities Fraud); as
13 alleged in Counts One through Twenty-Seven of this Indictment.

14 33. Upon a conviction of any of the offenses alleged in Counts Twenty-Eight through
15 Thirty-Eight, the defendants,

16 JOHN GERINGER,
17 CHRISTOPHER LUCK, and
18 KEITH RODE,

19 shall forfeit to the United States all property, real or personal, involved in a violation of Title 18,
20 United States Code, Section 1957, and property traceable thereto, as alleged in Counts Twenty-
21 Eight through Thirty-Eight of this Indictment, including but not limited to any proceeds from
22 said violations, and any property which facilitated said violations.

23 34. If any of the forfeitable property, as a result of any act or omission of
24 GERINGER, LUCK, or RODE:

- 25 (A) cannot be located upon the exercise of due diligence;
26 (B) has been transferred or sold to, or deposited with, a third party;
27 (C) has been placed beyond the jurisdiction of the Court;
28 (D) has been substantially diminished in value; or

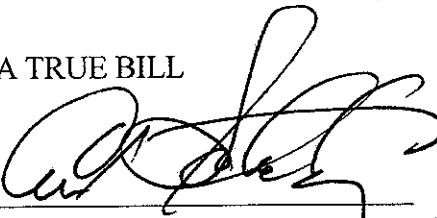
INDICTMENT

(E) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) (as incorporated in Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c)), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

All in violation of Title 18, United States Code, Section 1341 (Mail Fraud), Title 18, United States Code, Section 1343 (Wire Fraud), Title 15, United States Code, Section 78j(b) and 78ff; Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2 (Securities Fraud); Title 18, United States Code, Section 1957 (Money Laundering); Title 18, United States Code Section 981(a)(1)(C), 982(a)(1); and Title 28, United States Code, Section 2461(c).

A TRUE BILL


FOREPERSON

MELINDA HAAG
United States Attorney


AMBER ROSEN
Deputy Chief, San Jose Branch Office

Approved as to form:


JEFF SCHENK
Assistant United States Attorney

INDICTMENT

CR12 00888 DLJ

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

 18 U.S.C. § 1349 (Conspiracy); 18 U.S.C. § 1341 (Mail Fraud);
 18 U.S.C. § 1343 (Wire Fraud); 15 U.S.C. §§ 78j(b) and 78ff,
 17 C.F.R. §§ 240.10b-5 and 240.10b5-2, 18 U.S.C. § 2
 (Securities Fraud); 18 U.S.C. § 1957(a) (Money Laundering);
 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)
 (1) (Forfeiture)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

JOHN GERINGER

DISTRICT COURT NUMBER

 Filed
 DEC 20 2012
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a re prosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JEFF SCHENK

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

c/o Wm. Michael Whelan, Esq.

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: 1/17/13 at 1:30 PM

Before Judge: Howard R. Lloyd

Comments:

Δ1

Maximum Penalties for
U.S. v. JOHN GERINGER

Count One – 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Counts Two through Thirteen – 18 U.S.C. § 1341 – Mail Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Counts Fourteen through Twenty-Six – 18 U.S.C. § 1343 – Wire Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Count Twenty-Seven – 15 U.S.C. §§ 78j(b) and 78ff;
17 C.F.R. §§ 240.10b-5 and 240.10b5-2; 18 U.S.C. § 2 – Securities Fraud

20 years imprisonment
\$5,000,000 fine
3 years supervised release
\$100 special assessment

Counts Twenty-Eight through Thirty-One – 18 U.S.C. § 1957(a) – Engaging in Monetary Transaction in Property Derived from Specified Unlawful Activity

10 years imprisonment
\$250,000 fine, or twice the amount of the criminally derived property involved in the transaction
3 years supervised release
\$100 special assessment

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 1349 (Conspiracy); 18 U.S.C. § 1341 (Mail Fraud);
 18 U.S.C. § 1343 (Wire Fraud); 15 U.S.C. §§ 78j(b) and 78ff,
 17 C.F.R. §§ 240.10b-5 and 240.10b5-2, 18 U.S.C. § 2
 (Securities Fraud); 18 U.S.C. § 1957(a) (Money Laundering);
 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)
 (1) (Forfeiture)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

CHRISTOPHER L. WIEKING

DISTRICT COURT NUMBER

CR12

00888

DLJ

DEFENDANT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JEFF SCHENK

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

c/o Jahan Raissi, Esq.

Bail Amount: _____

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: 1/17/13 at 1:30 PM

Before Judge: Howard R. Lloyd

Comments:

A2

Maximum Penalties for
U.S. v. CHRISTOPHER LUCK

Count One – 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Counts Two through Thirteen – 18 U.S.C. § 1341 – Mail Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Counts Fourteen through Twenty-Six – 18 U.S.C. § 1343 – Wire Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Count Twenty-Seven – 15 U.S.C. §§ 78j(b) and 78ff;
17 C.F.R. §§ 240.10b-5 and 240.10b5-2; 18 U.S.C. § 2 – Securities Fraud

20 years imprisonment
\$5,000,000 fine
3 years supervised release
\$100 special assessment

Counts Thirty-Two Through Thirty-Five – 18 U.S.C. § 1957(a) – Engaging in Monetary Transaction in Property Derived from Specified Unlawful Activity

10 years imprisonment
\$250,000 fine, or twice the amount of the criminally derived property involved in the transaction
3 years supervised release
\$100 special assessment

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1349 (Conspiracy); 18 U.S.C. § 1341 (Mail Fraud);
 18 U.S.C. § 1343 (Wire Fraud); 15 U.S.C. §§ 78j(b) and 78ff,
 17 C.F.R. §§ 240.10b-5 and 240.10b5-2, 18 U.S.C. § 2
 (Securities Fraud); 18 U.S.C. § 1957(a) (Money Laundering);
 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)
 (1) (Forfeiture)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attachment

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court,
 give name of court _____

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District _____

☐ this is a reprosecution of
 charges previously dismissed,
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO. _____

☐ this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE
CASE NO. _____

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under _____

Name and Office of Person
 Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) JEFF SCHENK

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

▶ KEITH RODE

DISTRICT COURT NUMBER

CR12 00888 DLJ

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding
 1) ☒ If not detained give date any prior
 summons was served on above charges ▶ _____

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District) _____**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution _____

Has detainer ☐ Yes
 been filed? ☐ No

If "Yes"
 give date
 filed _____

DATE OF
ARREST ▶ _____

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY ▶ _____

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

c/o Mark Arnold, Esq.

* Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: 1/17/13 at 1:30 PM

Before Judge: Howard R. Lloyd

Comments:

13

Maximum Penalties for
U.S. v. KEITH RODE

Count One – 18 U.S.C. § 1349 – Conspiracy to Commit Mail and Wire Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Counts Two through Thirteen – 18 U.S.C. § 1341 – Mail Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Counts Fourteen through Twenty-Six – 18 U.S.C. § 1343 – Wire Fraud

20 years imprisonment
\$250,000 fine, or twice the gross gain or gross loss from the offense
3 years supervised release
\$100 special assessment

Count Twenty-Seven – 15 U.S.C. §§ 78j(b) and 78ff;
17 C.F.R. §§ 240.10b-5 and 240.10b5-2; 18 U.S.C. § 2 – Securities Fraud

20 years imprisonment
\$5,000,000 fine
3 years supervised release
\$100 special assessment

Counts Thirty-Six Through Thirty-Eight – 18 U.S.C. § 1957(a) – Engaging in Monetary
Transaction in Property Derived from Specified Unlawful Activity

10 years imprisonment
\$250,000 fine, or twice the amount of the criminally derived property involved in the transaction
3 years supervised release
\$100 special assessment